

FEB 16 2007

JENKINS, WILSON & TAYLOR, P.A.

PATENT ATTORNEYS

SUITE 1400 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NORTH CAROLINA 27707
TELEPHONE: (919) 493-8000
FACSIMILE: (919) 419-0383

WEBSITE: WWW.JENKINSWILSONTAYLOR.COM

DATE: February 16, 2007

TO: Examiner Jon D. Epperson, Ph.D., Art Unit 1639

FAX NO.: (571) 273-8300

FROM: Arles A. Taylor, Jr. (omb)

RE: Serial No. 09/879,279; Our Ref. No. 1932/18/2

NUMBER OF PAGES TO FOLLOW: 15

If transmission is poor, or if you do not receive all pages, please
call (919) 493-8000 as soon as possible.

COMMENTS: Please see attached Response to a Non-compliant Amendment. Thank you.

The information contained in this facsimile message is **ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the individual or entity named as recipient. If the reader is not the intended recipient, be hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return the original message to us at the address shown above via the U.S. Postal Service. Thank you.

RECEIVED
CENTRAL FAX CENTER

FEB 16 2007

JENKINS
WILSON
TAYLOR
& HUNT

patent attorneys

February 16, 2007

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

BENTLEY J. OLIVE

CHRIS PERKINS, PH.D.

JAMES DALY IV, PH.D.

ASHLEY DARDEN

DAVID M. SIGMON

WESLEY A. SHEFFIELD

SCOTT C. MAYHEW

KIRBY A. TURNER

PATENT AGENT
JAY KLINCKTECHNICAL SPECIALIST
AMY ODENBAUGH, PH.D.

LICENSED ONLY IN CA

LICENSED ONLY IN NY

LICENSED ONLY IN GA

I hereby certify that this correspondence is being facsimile transmitted to (571) 273-8300 Attn: Office of Initial Patent Examination, at the United States Patent and Trademark Office on February 16, 2007.

Oksana Buynitzky
Oksana Buynitzky
Date of Signature February 16, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/879,279 for
IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED
OLIGONUCLEOTIDES AND MAGNETIC BEADS
Our File No. 1392/18/2

Sir:

Please find enclosed the following:

1. Response to the Notice of Non-Compliant Amendment (14 pages).

Although no fee is believed to be due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

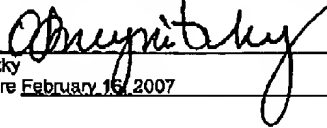
Arles A. Taylor, Jr.
Arles A. Taylor, Jr.
Registration No. 39,395

AAT/PAD/omb

Enclosures

Customer No: 25297

I hereby certify that this paper is being facsimile transmitted to (571)
273-8300, Attn: Office of Initial Patent Examination, at the United
States Patent and Trademark Office on the date shown below.


Oksana Buynitzky
Date of Signature February 16, 2007

RECEIVED
CENTRAL FAX CENTER
FEB 16 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dace et al.

Group Art Unit: 1639

Serial No.: 09/879,279

Examiner: Epperson, Jon D.

Filed: June 12, 2001

Docket No.: 1392/18/2

Confirmation No.: 3524

For: IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED
OLIGONUCLEOTIDES AND MAGNETIC BEADS

RESPONSE TO NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Notice of Non-Compliant Amendment dated January 17, 2007, having a period for response that expires on February 17, 2007. Reconsideration of the subject application is respectfully requested in view of the following amendments and remarks.

REMARKS

The Notice of Non-Compliant Amendment mailed January 17, 2007 from the U.S. Patent and Trademark Office (hereinafter referred to as "the Patent Office") indicated that the Amendment dated October 12, 2006 was non-compliant because applicants did not indicate which of new claims 32-51 were readable upon the elected species in accordance with MPEP §809.02(a). Thus, the Patent Office requires that applicants indicate which claims read upon the elected species.

Serial No.: 09/879,279

In response to the Patent Office's assertions, applicants have amended the "Remarks" section of Amendment D (attached) to clarify that all of new claims 32-51 are readable upon the elected species in accordance with M.P.E.P. §809.02(a). No new matter has been added.

Applicants therefore respectfully request that the Non-Compliant status of Amendment D be withdrawn, and further request that Amendment D be entered into the record and forwarded to the Examiner for consideration.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: February 16, 2007

By: 

Arles A. Taylor, Jr.

Registration No. 39,395

Customer No: 25297

Suite 1200 University Tower
3100 Tower Boulevard
Durham, North Carolina 27707
Telephone: (919) 493-8000
Facsimile: (919) 419-0383

1392/18/2 AAT/PAD/omb